



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119  
ph: (801) 977-4300; Fax: (801) 977-4397  
www.ut.blm.gov/saltlake\_fo



IN REPLY REFER TO:

2800

UTU-81125

(UTW-011)

SEP 23 2009

Hand Delivered 10/1/09

~~Certified Mail No. 7007 1490 0000 0215 8028~~

~~Return Receipt Requested~~

### DECISION

### Right-of-Way Grant UTU-81125 Issued

Mitch Johnson  
Oakley Mountain Corporation  
P O Box 27  
Oakley ID 83346

Re: Green Beetle Quarry Surface Use ROW

Dear Mr. Johnson:

Enclosed is a copy of a right-of-way grant serial number UTU-81125, which has been approved by the Bureau of Land Management.

The three year rental for this project, adjusted for calendar year billing, of \$131.92 has been paid in advance by the holder. It has been determined that this project falls under Category II for monitoring fees. The non-refundable monitoring fee of \$386.00 has been paid in advance by the holder

The issuance of this right-of-way grant constitutes a final decision by the Bureau of Land Management in this matter.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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OCT 08 2009

DIV. OF OIL, GAS & MINING

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Please note, however, that under the regulations in 43 CFR Group 2800, this decision is effective even if an appeal is filed.

If you have any questions, please contact Dave Watson, Realty Specialist, at the above address or call 801-977-4368.

Sincerely,

**/S/ MICHAEL G. NELSON**

Michael G. Nelson  
Assistant Field Manager  
Nonrenewable Resources

2 Enclosures:

- 1 - Right-of-Way Grant
- 2 - Appeals Information (Form #1842-1)

COPY

UTU-81125  
FORM 2800-14  
(August 1985)

Issuing Office  
Salt Lake Field Office

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RENEWAL RIGHT-OF-WAY GRANT

SERIAL NUMBER UTU-81125

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1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Oakley Mountain Corporation  
P O Box 27  
Oakley ID 83346

receives a right to operate, maintain, and terminate an existing surface use for a quarry as described on the Map attached, on public lands described as follows:

T. 11 N., R 16 W., SLM, Box Elder County, Utah  
Section 36; Portions of SE1/4SE1/4,

T. 10 N., R 16 W., SLM, Box Elder County, Utah  
Section 1; Portions of Lot 1, SE1/4NE1/4.

- b. The right-of-way area granted herein is:
- i. New quarry and road – 2.5 acres
  - ii. Milling and processing area - .50 acre
  - iii. Access road 15 feet wide by approximately 2460 feet long -- .85 acre

Total acreage for right-of-way grant is 3.85 acres

The exact location of the right-of-way granted is show on the Map attached to this grant as Exhibit B.

- c. This instrument shall terminate December 31, 2011 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

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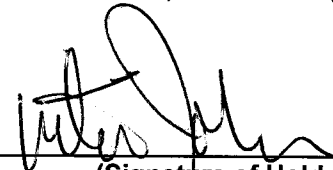


3. Rental:


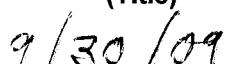
For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A (Plan of Development), B (Map) and C (Special Stipulations) attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. The holder shall operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the terms, conditions and special stipulations contained in of this grant. Any relocation, additional construction, or use that is not in accord with the approved grant, shall not be initiated without the prior written approval of the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- f. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- g. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

  
(Signature of Holder)  
  
(Title)  
  
(Date)

  
(Signature of BLM Authorized Officer)  
Assistant Field Manager, Non-Renewable  
(Title)  
  
(Effective Date of Grant)

## **EXHIBIT "C"**

### **SPECIAL STIPULATIONS FOR RIGHT-OF-WAY GRANT UTU-81125**

1. The holder shall survey and clearly mark the centerline and/or exterior limits of the right-of-way. The holder shall mark the exterior limits of the quarry and milling areas of the right-of-way with 3 foot silt fencing. The tops of the posts will be painted with a distinctive color as determined by the folder. The holder shall maintain all boundary fencing until final cleanup and restoration is completed and approved by the authorized officer. The authorized officer may vary this fencing requirement.
2. The holder shall conduct all activities associated with the operation, maintenance and termination of the right-of-way within the authorized limits of the right-of-way. Use of vehicles or equipment outside of the established boundary of the right-of-way is strictly prohibited. The holder will not undertake any relocation, additional construction, or use that is not in accord with the terms and conditions of this grant without the prior written approval of the authorized officer. Any violations of this stipulation shall be grounds for termination of the right-of-way.
3. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when surface disturbing operational or maintenance activities are underway.
4. All design, material, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
5. No routine operational or maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support equipment. The holder will not create new roads in order to avoid muddy or wet places.
6. The holder shall meet Federal, State, and local emission standards for air quality.
7. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations). Equipment shall be cleaned of all caked mud, dust and plant material before entering the right-of-way area.
8. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
9. Fueling, lubricating or emergency maintenance of equipment within the limits of this right-of-way shall be done using a contained system to avoid spilling fuel or petroleum products on the land. All fuel use and storage on the right-of-way area, if necessary, shall be done in accordance with and Federal law regarding containment. The holder will not perform vehicle maintenance activities on the right-of-way area other than those mentioned previously.
10. If during any phase of the operation, maintenance or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area,

including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

11. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
12. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
13. The holder or its contractors will notify the BLM of any fires and comply with all rules and regulations administered by the BLM concerning the use, prevention and suppression of fires on federal lands, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or its contractors may be held liable for the cost of fire suppression, stabilization and rehabilitation. In the event of a fire, personal safety will be the first priority of the holder or its contractors. The holder or its contractors will:
  - a. Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
  - b. Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC - 10 pound on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.
  - c. Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.
  - d. Notify the Northern Utah Interagency Fire Center (801) 908-1901 (or 911) immediately of the location and status of any escaped fire.
14. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
15. The holder shall maintain the right-of-way area in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. There is no permission granted for human occupancy of the right-of-way area. Portable toilets shall be used instead of pit toilets and shall be pumped regularly to avoid human waste contamination at the site. There is no authorization for burning of trash or waste on the right-of-way area.

No structures, trailers, or other vehicles that may be used for habitation are allowed on the right-of-way area. All trailers, storage sheds or other above ground facilities occupying the site, other than temporary facilities, will be painted to blend with the surrounding landscape with a color such as desert brown and will avoid bright reflective colors such as white or silver.

16. The holder is strictly prohibited from storing, or disposing of any toxic or hazardous substance on the right-of-way area.
17. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way. Approved signing will be allowed to restrict public use of the quarry and milling area for public safety, however the holder must provide for BLM administrative access to the site. No other signs or advertising display are authorized on the right-of-way area. If a locked gate is required to protect valuable equipment or product, the gate must also have a BLM lock installed on the chain to allow for administrative access.
18. The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
19. The holder will undertake to rehabilitate the area upon completion of mining activities. This will include removal of any structures or other above ground improvements from the area, re-contouring all disturbed areas and obliterating all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
20. The holder will prepare a seedbed by scarifying all compacted areas and by re-spreading stockpiled topsoil evenly over the area. The holder will then seed all disturbed areas, using methods and seed mixtures suitable for the location as specified by the authorized officer. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.
21. The holder shall contact the authorized officer to arrange a pre-termination conference 180 days prior to termination of the right-of-way. This conference will be held to review the termination provisions of the grant.

# EXHIBIT A

OAKLEY MOUNTAIN CORP.  
SCRIVNAICH NATURAL STONE  
QUARRY OFFICE  
1729 S. HWY 27  
PO BOX 27  
OAKLEY, ID 83346  
EMAIL: [rok@safelink.net](mailto:rok@safelink.net)

Phone: 208-862-3820

Fax: 208-862-7812

## RENEWED PLAN OF OPERATIONS FOR GREEN BEETLE QUARRY

REVISED 12-11-2008

UTU -81125

BOX ELDER COUNTY, UTAH

### CLAIMANT:

OAKLEY MOUNTAIN CORP.

1729 S. Hwy. 27

Oakley ID. 83346

208-862-3820

### OPERATORS:

LARRY SCRIVANICH

P.O. BOX 2174

WOODINVILLE, WA. 98072

MITCH JOHNSON

1729 S HWY 27

OAKLEY ID. 83346



**QUARRY LOCATION:**

Quarry is located approx. 25 miles southwest of Park Valley, UTAH on Hwy 30.

At mile marker 33 turn west [the Rose Bud B L M field office road] follow road 3 miles to the Emigrant Trail turn off.

The road splits stay to the right [northwest] approx. 1 1/2 mile, at the tee in road go to the right [north] follow road for 1 mile thru B L M gate, quarry mill site is 1 1/2 mile to the north.

**LEGAL DISCRIPTION:**

T. 11 N., R.16 W., SLM

Section 36, W1\2SE1\4, SE1\4SE1\4;

T. 10 N., R. 16 W., SLM

Section 1, Lot 1, SE1\4NE1\4

**ACCESS:**

Quarry access is provided by the existing B L M road also used to access quarries to the north of our claims.

Accesses to the existing disturbed areas are short routes already put in place by the previous claimants.

No new roads would need to be built to access the already disturbed areas.

**TOTAL DISTURBANCE:**

Disturbance at the Green Beetle Mine should not exceed 5.0 acres at any given time.

The reclamation of the Northwest pit has begun and will completed spring 2009.

**MINE PIT MARKERS:**

Mining pit posts will be set at 50' increments they will be green 5' tee posts with the top half's painted florescent pink for mining pit boundaries. Silt fencing has been purchased and will be installed on north end of upper quarry, the stone on the northern face is fractured and is not marketable at this time. Silt fence will be put up as a boundary and deterrent for any loose stone rolling off north face.

**OAKLEY MOUNTAIN CORP.****SCRIVANICH NATURAL STONE**

QUARRY OFFICE

1729 S. HWY 27

PO BOX 27

OAKLEY, ID 83346

EMAIL: [rok@safelink.net](mailto:rok@safelink.net)

Phone: 208-862-3650

Fax: 208-862-7812

**GREEN BEETLE QUARRY****Time and Cost of Reclamation**

DOGM # S030027

UTAH BLM # UTU 81125

**TIME OF RECLAMATION:**

Total time to reclaim the 5.0 acres that are disturbed at the Green Beetle Quarry will take two men with an excavator, dozer and dump truck approx. 24 days working 8 hour days to complete.

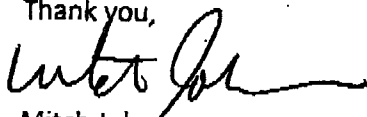
Reclamation of the access road to quarry (1.4 acres) would be considerably less if the B.L.M. would leave road open for use by the local ranchers, hunters and Royce Larsen the quarry owner north of our location.

**COST OF RECLAMATION:**

1 month rental of 292 john deere excavator:	\$ 3800.00
1 month rental of Cat D7 dozer:	\$ 3100.00
1 month rental of KenWorth dump truck:	\$ 2160.00
Equipment Total:	\$ 9060.00
Labor Costs:	\$ 5760.00
Cost of seed per. Application:	\$ 1200.00
Additional seed Application (if needed):	\$ 1200.00
TOTAL COSTS:	\$ 17220.00

I am aware it may take an additional seeding due to the lack of top soil available at the Green Beetle Quarry.

Thank you,

  
Mitch Johnson

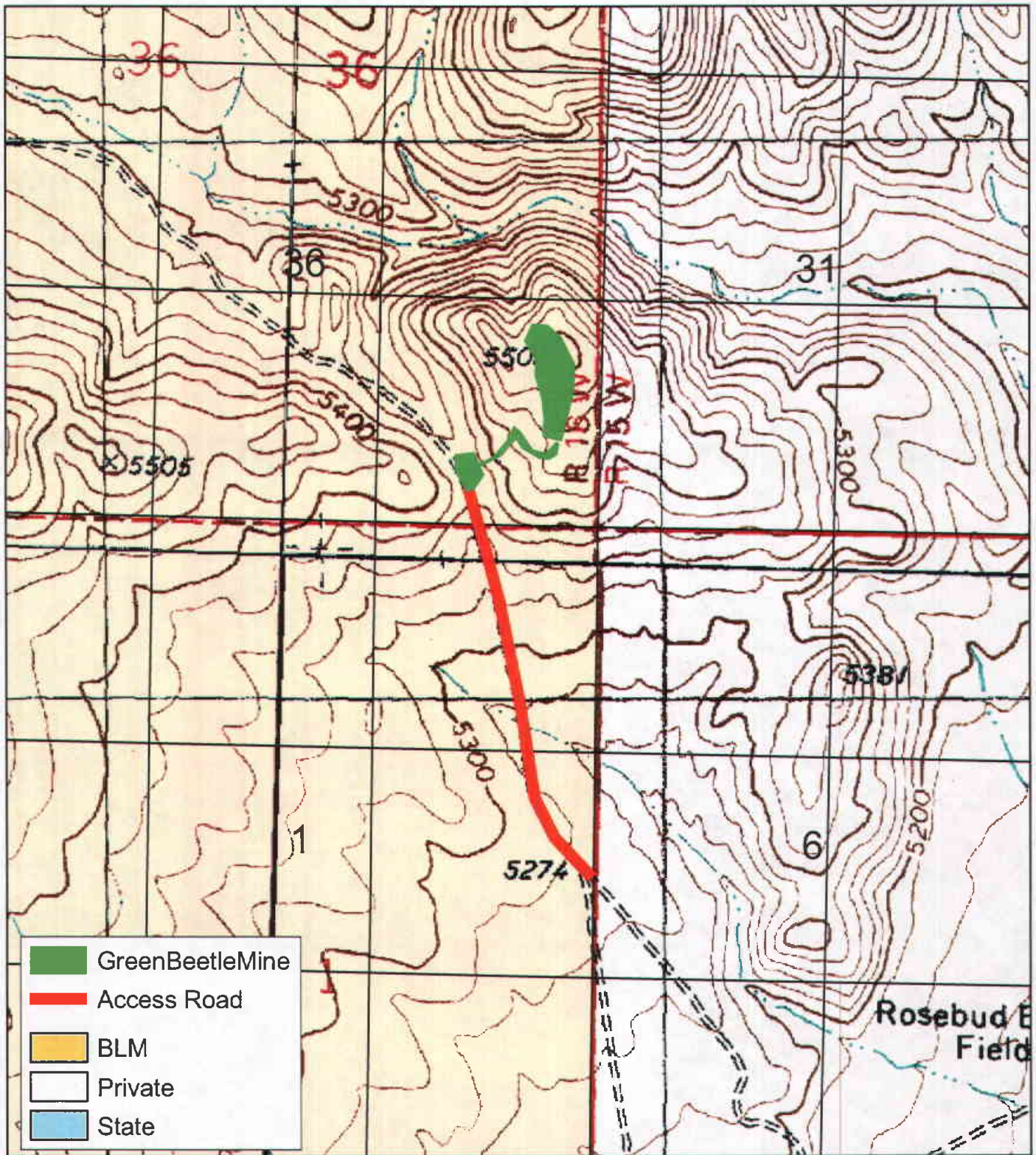
R 16 W

## GREEN BEETLE MINE SURFACE ROW U-81125

R 15 W

T 11 N

T 10 N



LOCATION



UTAH

EXHIBIT B



0 87.5 175 350 525 700 Meters

1:10,000

January 2009

Workspace/ut/sl/.....

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALT LAKE FIELD OFFICE



This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause misalignment of data layers. Transportation network has not been verified.